

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Todd Preston Okrusch,)	Civil No. 10cv2198 AJB (PCL)
)	
Plaintiff,)	ORDER: (1) ADOPTING REPORT
)	AND RECOMMENDATION; (2)
v.)	GRANTING IN PART PLAINTIFF’S
)	MOTION FOR SUMMARY JUDGMENT;
MICHAEL J. ASTRUE, Commissioner of)	AND (3) DENYING IN PART
Social Security,)	DEFENDANT’S MOTION FOR
)	SUMMARY JUDGMENT
Defendant.)	
)	[Doc. No. 17]


Presently before the Court are Plaintiff Todd Preston Okrusch's Motion for Summary Judgment, Defendant Michael J. Astrue's Cross-Motion for Summary Judgment, and Magistrate Judge Peter Lewis' Report and Recommendation advising the Court to grant in part Plaintiff's motion for summary judgment and to deny in part Defendants' cross-motion for summary judgment.

Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1) set forth a district judge's duties in connection with a magistrate judge's report and recommendation. The district judge must "make a de novo determination of those portions of the report to which objection is made," and "may accept, reject, or modify, in whole or in part, the finding or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); *see also United States v. Remsing*, 874 F.2d 614, 617 (9th Cir. 1989). However, in the absence of timely objection(s), the Court "need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b), Advisory Committee Notes (1983); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

1 Neither party has timely filed objections to Magistrate Judge Lewis' Report and Recommenda-
2 tion. (*See* R&R, Doc. No. 20, p. 22 (objections due by March 9, 2012).) Having reviewed the report and
3 recommendation, the Court finds it is thorough, well reasoned, and contains no clear error. Accordingly,
4 the Court hereby: (1) ADOPTS Magistrate Judge Lewis' Report and Recommendation; (2) GRANTS IN
5 PART Plaintiff's Motion for Summary Judgment; and (3) DENIES IN PART Defendant's Cross-Motion
6 for Summary Judgment.

7 IT IS SO ORDERED.

8
9 DATED: March 12, 2012

10 
11 Hon. Anthony J. Battaglia
U.S. District Judge
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28